

CITY COUNCIL MEETING MONDAY, FEBRUARY 12, 2007

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Rev. Miyosha Schenck, of the Bethel AME Church.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Baez, District 5
Councilor Waltman, District 6

Mayor T. McMahon
Managing Director L. Churchill
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Police Chief W. Heim
Public Works Director C. Jones

PROCLAMATIONS AND PRESENTATIONS

Council Commendations:

Celebrating Black History Month, certificates to be presented by Diana Rivera O'Bryant and accepted by:

William Hall
Wally Scott
Josephine Torres Boykins
Ronald Rouse

Presenting a commendation in honor of Black History Month, accepted

by Edward Terrell - **A joint commendation issued by the Mayor and Council**

Commending Tyler Minicozzi for his show of selfless concern for the family of fallen Officer Scott Wertz

**Oath of Office to Reading Police Department Chaplains and
Introduction to City Council**

**Presentation of a Check from the Centre Park Historic District
Block Captains to the Public Works Department**

PUBLIC COMMENT

Council President Spencer announced that two citizens are registered to speak about non-agenda items. He inquired if Council wished to suspend the public speaking rules to allow those two citizens to speak at this time. No one present objected to the suspension of the public speaking rules.

Kara Castro, of State Hill Road, described the loss of her son to murder two years ago. She stressed the need for stiffer sentences and fewer privileges for inmates. She also stressed the public's desire for changes at State and Federal levels proven by the public outcry at crime forums.

Leo Alvarado, no address, noted the difficulty he's had with recycling collection. He also described some confusion concerning the change in collection day.

APPROVAL OF AGENDA AND MINUTES

Council President Spencer called Council's attention to the minutes from the January 22, 2007 meeting and the agenda with the legislation under the consent agenda heading.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to approve the minutes from the January 22, 2007 meeting and adopt the agenda for tonight's meeting, including the items listed under the consent agenda heading. The motion was approved unanimously.

CONSENT AGENDA

Award of Contract- to Grace Industries, Inc., 7171 Airport Road, Bath, PA, 18014, at a total bid price of \$142,925.00 for Playground Improvements at City Park Playground. **(Purchasing)**

Resolution- authorizing the installation of two street light fixtures at 1010 Greenwich Street and 1039 Greenwich Street. **(Traffic Engineering)**

Resolution- obtaining reimbursement from the Commonwealth for monies expended on the training of Officers Jason Freeman and David Lehman. **(Police Department)**

Resolution- authorizing the disposition of Purchasing records in accordance with the City of Reading document retention schedule. **(Purchasing)**

ADMINISTRATIVE REPORT

Mayor Tom McMahon highlighted the report distributed to Council at the meeting which covered:

- Gun Violence Task Force (meeting summary February 6, 2007)
- Trash Collection
- Black History Month

Councilor Fuhs welcomed Council President Spencer back from a brief absence due to surgery to correct prostate cancer.

Councilor Fuhs questioned the process used for trash and recycling collection when a resident does not pay for recycling or solid waste collection services. Public Works Director Jones responded that collection continues; however, the outstanding amount is sent to collection.

Councilor Fuhs inquired if private trash haulers operate in the same manner. Public Works Director Jones noted that he is unsure. However, if a property does not have trash collection service, they are put on the City's program.

Councilor Fuhs requested clarification noting that some legislative remedy may be necessary.

Councilor Goodman-Hinnershitz noted the good points made by various speakers and the Mayor's from neighboring municipalities who attended

the Gun Violence Task Force meeting on February 6, 2007. She suggested working with the Court to make the public aware of upcoming criminal hearings and encourage their attendance.

Councilor Waltman noted the need to revisit the trash collection issue. He also congratulated the Centre Park Historic District on their 25th Anniversary. He noted the importance of the Centre Park Historic District's work to improve their community.

Councilor Sterner expressed the belief that the behaviors of those who possess guns are larger than the gun control issue itself. He expressed the belief that State and Federal legislators need to enact legislation without considering the needs of special interest groups like the NRA.

Councilor Marmarou noted the 25% reduction in part one crimes when compared to the January 2006 unified crime report (UCR).

Councilor Sterner described the unwillingness of private haulers to collect trash in accordance with the zoned schedule.

Councilor Baez thanked the Mayor for holding the anti-violence forum. She questioned the set-out times for trash and recycling. Mayor McMahon replied that citizens may place their trash curbside no earlier than 6:30 pm the evening prior to collection and the empty container needs to be removed from curbside no later than 8:30 pm on the day of collection.

Councilor Marmarou stressed the need for citizens to remove the empty containers from the curb.

AUDITOR'S REPORT

City Auditor Cituk highlighted the report distributed to Council at the meeting covering:

- 2006 Magisterial District Justice fines
- 2006 Cable Franchise Fee
- Police Pension Academy Audit
- Traffic Fines

Councilor Goodman-Hinnershitz thanked the Auditor for his report and requested a breakdown of fines from the Magisterial District Justices for different citation areas such as codes, traffic, etc.

Councilor Fuhs inquired if the rental fee paid by the Reading Phillies Organization contains an escalator clause for the life of the contract. City Auditor Cituk replied that the contract does contain a small escalator that runs with the contract which expires in 2018. He stated that the contract negotiation with the Reading Phillies in 1999 culminated in a contract which benefited the City. He stated that this contract required the Phillies to pay all utility bills, and take over some maintenance items. Ms. Kelleher explained that maintenance responsibilities are attached to the contract.

Councilor Sterner noted that the Magisterial District Justice fines are based on caseload and disposition.

ORDINANCES FOR FINAL PASSAGE

Bill No. 2-2007 - Amending the City of Reading Fee Schedule by removing the fee assessed for the installation of handicap parking signs and renewal. **(Goodman-Hinnershitz) Introduced at the 01/08/07 meeting of Council; discussed at the 01/08/07 Committee of the Whole meeting; tabled at the 01/22/07 meeting of Council.**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill 2-2007.

Councilor Goodman-Hinnershitz stated that the Ordinance was drafted to respond to concerns heard from many City residents. She noted that although the resident was required to pay for the sign installation and renewal, the resident was not guaranteed use of the space. She stated as handicapped spaces are available to all handicapped individuals the fee charged to the individual resident needs to be eliminated.

Councilor Sterner reminded all that this Ordinance will only remove the fee. All State regulations for the handicap parking program will remain in place.

Council President Spencer inquired if lack of an installation and renewal fee will increase the demand for handicap spaces. Public Works Director Jones described the criteria needed for one to obtain a handicap parking space. He also reminded Council of the restrictions of no more than two handicap parking spaces in a City block.

Councilor Goodman-Hinnershitz expressed the belief that the City should perform this public service to its residents.

Bill 2-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 3-2007 - Amending Section 15-502 of the City of Reading Codified Ordinances, Parking Meter Zones, by adding two hour parking meter in the 100 block of Washington Street. **(Parking Authority/Council Staff) Introduced at the 01/08/07 meeting of Council; discussed at the 01/08/07 Committee of the Whole meeting; tabled at the 01/22/07 meeting of Council.**

Councilor Sterner moved, seconded by Councilor Fuhs, to enact Bill 3-2007.

Council President Spencer stated that this request was made by the Executive Director of the Parking Authority. It is believed that the installation of these meters will not effect surrounding residential neighborhoods.

Bill 3-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 4-2007 - An ordinance amending the Codified Ordinances of the City of Reading, Chapter 6, Code Enforcement, Part 3, Section 9 Fees, Fee Schedule F-101, by adding a fee for the retrieval of EMS reports. **(Solicitor) Introduced at the 01/08/07 meeting of Council; discussed at the 01/08/07 Committee of the Whole meeting; tabled at the 01/22/07 meeting of Council.**

Councilor Baez moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 4-2007.

Councilor Waltman questioned the amount proposed as it is greater than some other fees.

Managing Director Churchill noted that this fee is the same as others. The only exception is the Police Report charge which cannot be raised higher than that mandated by the State.

Bill 4-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer President – 6.

Nay: Waltman – 1.

Bill No. 11-2007 - amending the Police Promotional Ordinance by decreasing the life of the certified list from three years to two years - Part 8, Section 1- of the City of Reading Codified Ordinances **(Chief of Police & Solicitor)** *Introduced at the 01/22/07 meeting of Council.*

Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill 11-2007.

Managing Director Churchill explained the need to shorten the term of the Civil Service Promotion List to meet the collective bargaining agreement and new demand created by turnover.

Bill 11-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 12-2007 - amending the Administrative Code Part 1-191 – Section 5 Fire Marshal by deleting references to the department of community development and adding references to the codes office. **(Council Staff & Solicitor)** *Introduced at the 01/22/07 meeting of Council*

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 12-2007.

City Clerk Kelleher explained that the need for this change was discovered when staff was reviewing the Administrative Code while preparing the Council Procedure and Policy Book. This change is needed due to the movement of the Community Development Department under the Managing Director on the organizational chart.

Bill 12-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 13-2007 - amending the Administrative Code, H. Department Organization, Section 1-189 by deleting references to the zoning, building, electrical, plumbing, heating, air conditioning, and such other related structural codes **(Council Staff & Solicitor) Introduced at the 01/22/07 meeting of Council.**

Councilor Baez moved, seconded by Councilor Sterner, to enact Bill 13-2007.

Council President Spencer explained that this change is another housekeeping change necessitated by the movement of Community Development under the Managing Director on the organizational chart.

Bill 13-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 14-2007 - transferring the ordinance restricting parking of trucks, trailers, and recreational vehicles from the Chapter 15 Motor Vehicles and Traffic to Chapter 10 Health and Safety, adding provisions for temporary parking permits at a fee of \$10, and requiring a warning notice prior to citation. **(Fuhs) Reviewed and endorsed by the Legislative Aide Committee; introduced at the 01/22/07 meeting of Council.**

Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill 14-2007.

Councilor Goodman-Hinnershitz agreed with the use of warnings prior to citation and added that the addition of temporary parking permits will enable residents to prepare recreational vehicles for use is a positive change.

Bill 14-2007 was enacted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer
President – 6.**

Nay: Waltman – 1.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinance into the record:

Ordinance- establishing a Fire Diversity Board. **(Solicitor)**

RESOLUTIONS

Resolution 29-2007 - authorizing the Reading Regional Airport Authority to enter into an agreement with the Berks County Industrial Development Authority for the sale of property **(Councilman Fuhs)**

Councilor Fuhs moved to adopt Resolution 29-2007. There was no second to the motion.

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution 29-2007.

Resolution 29-22007 was tabled by the following vote:

**Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman,
Spencer President – 6.**

Nay: Fuhs – 1.

Council President Spencer noted that this Resolution and issue will be discussed at the next Committee of the Whole meeting. He noted that Council is awaiting a legal opinion from the Solicitor.

Councilor Goodman-Hinnershitz asked that Councilors put their concerns and comments in writing before the next Committee of the Whole meeting.

Councilor Waltman stated that the legal opinion must cover many questions previously stated such as ownership, rights, City involvement in

the proposed sale, and the need for Council to approve the project. He stated that he will be requesting the retention of an independent attorney to research this issue.

Council President Spencer noted the ability of the Airport Authority to continue to plan and develop this project as the City considers this issue.

Councilor Sterner noted concern on the extent of City Authority's powers.

Councilor Marmarou agreed with the need for an independent legal opinion.

Resolution 30-2007- adopting the National Incident Management System (NIMS) **(Fire/Council Staff)**

Councilor Marmarou moved, seconded by Councilor Baez, to adopt Resolution 30-2007.

Managing Director Churchill explained the need to train employees and adopt National emergency management standards.

Resolution 30-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Resolution 31-2007 - calling upon State and Federal officials to support the expansion of State Route 222 **(Council Staff)**

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 31-2007.

Councilor Waltman explained that the success of the expansion of 222 South has made a variety of people anxious for the completion of the road project scheduled for the north side of 222. He also noted the need for this project to be prioritized.

Resolution 31-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Resolution 36-2007 - authorizing the Mayor to enter into a settlement with the Fire Diversity Board **(Solicitor)**

Councilor Fuhs moved, seconded by councilor Waltman, to table Resolution 36-2007.

Resolution 36-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Council President Spencer explained the need for the Resolution authorizing the settlement of the Fire Diversity Board lawsuit and the Ordinance creating the Fire Diversity Board to occur simultaneously.

Resolution 32-2007- appointing Dan Luckey to the Reading Redevelopment Authority **(Administrative Oversight)**

Resolution 34-2007 - appointing William Guthier to the Historical Architectural Review Board **(Administrative Oversight)**

The Administrative Oversight Committee moved to adopt Resolutions 32-2007 and 34-2007.

Resolutions 32-2007 and 34-2007 were adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Resolution 33-3007- reappointing Michele Heizmann Lauter to the Reading Redevelopment Authority **(Administrative Oversight)**

Resolution 35-2007 - reappointing Brian Doerrman to the Stadium Commission **(Administrative Oversight)**

The Administrative Oversight Committee moved to adopt Resolutions 33-2007 and 35-2007.

Resolutions 33-3007 and 35-2007 were adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Councilor Waltman was excused from the meeting at 9:25 pm.

COUNCIL COMMENT

Councilor Goodman-Hinnershitz noted the hardship parking on steep slopes creates for citizens. She described various hazards during snow and ice events when residents are required to park on steep inclines.

Councilor Sterner noted the accomplishments of those who were honored with commendations and certificates this evening. He also agreed with the need to strengthen sentencing and gun laws.

Councilor Marmarou thanked the Mayor and Codes Administrator Brad Reinhart for attending the College Heights Community Council meeting. He thanked Mr. Reinhart for working hard to correct the numerous issues that violate City codes. He described the work of Codes to deal with the numerous new rental properties in District 4.

Councilor Fuhs expressed dismay with Governor Rendell's proposed budget which includes increases in various taxes and fees. He suggested that the State government work as hard as the municipalities do to hold the line on spending.

City Council thanked the Police Chaplains for taking the time to serve the Reading Police Department and Reading community.

Councilor Goodman-Hinnershitz noted the service of Reverend Comacho to assist District 2 when dealing with various crime incidents.

Councilor Baez thanked the groups associated with Black History Month. She also thanked the chaplains for their volunteer service.

Council President Spencer explained the need for residents to call the solid waste office and report missed pick ups for trash and recycling.

Council President Spencer agreed with the need for legislators and judges to be tough and consistent on crime and gun issues. He noted that tougher sentences are generally only delivered up for retention.

Council President Spencer agreed with the need for better balance in gun control laws along with creative programs that will work to remove illegal guns from the streets.

Council President Spencer stated that Berks Economic Partnership (BEP) made a presentation at the College Heights Community Council meeting on Sunday, February 11, 2007. Those hearing the presentation also need to understand the involvement and work of the Community Development Department and its manager on various City projects that have moved economic development forward.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.

LINDA A. KELLEHER
CITY CLERK